

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.931 of 2023

Arising Out of PS. Case No.-258 Year-2020 Thana- GHANSHYAMPUR District- Darbhanga

Dipo Kumari, Wife of Shyam Kishor Sahu, Resident of Village-Pali, PS-Ghanshyampur, Dist-Darbhang.

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna
2. The Director General of Police, Bihar Patna
3. The Superintendent of Police, Darbhanga
4. The Superintendent, DMCH, Laheriasarai, Darbhanga
5. The Officer-In-Charge, Ghanshyampur PS-Darbhang
6. The Investigating Officer of Ghanshyampur PS Case No 258 of 2020
7. Prem Kumar Sanehi, Son of Late Rameshwar Prasad Sahu, Resident of Village-Pali, PS-Ghanshyampur, Dist-Darbhang.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Ashish, Advocate Mr. Girish Chandra Jha, Advocate
For the State	:	Md. Iqbal Asif Niazi, AC to GP-5
For the Resp No. 7	:	Mr. Pankaj Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-12-2023 Heard learned counsel for the petitioner, learned AC to GP-5 for the State and learned counsel for the respondent no. 7.

2. This writ application has been filed seeking a direction to respondent nos. 3, 5 and 6 to properly investigate Ghanshyampur P.S. Case No. 258 of 2020 filed by respondent no. 7 for the offences punishable under Sections 341, 323, 324, 307, 447, 379, 427, 504, 506/34 of the Indian Penal Code against the family members of the petitioner. A further prayer has been made to direct the respondent nos. 5 and 6 to medically examine respondent no. 7 who has not been examined despite the order

passed by respondent no. 3.

3. From the statements made in the writ application itself it would appear that the petitioner's family and respondent no. 7 are indulged in lodging cases against each other. Earlier, the father of the petitioner had lodged a case against respondent no. 7 giving rise to Ghanshyampur P.S. Case No. 253 of 2020. The present case has been lodged by respondent no. 7 against the family members of the petitioner.

4. A counter affidavit has been filed on behalf of the State. It is stated that in Ghanshyampur P.S. Case No. 253 of 2020, investigation is complete and a chargesheet bearing no. 251 of 2020 dated 30.11.2020 has been submitted in the court. It is further submitted that the investigation of Ghanshyampur P.S. Case No. 258 of 2020 is still going on for examination of the injured informant by the Medical Board. It is stated that the Medical Board has been constituted at the level of the Chief Medical Officer, Darbhanga and the Senior Superintendent of Police, Darbhanga and notices were sent to the injured Prem Kumar Sanahi (respondent no. 7), reminders were also sent to him to be physically present before the Medical Board. Learned counsel for the State submits that as soon as respondent no. 7 appears before the Medical Board further action will be taken in Ghanshyampur P.S. Case No. 258 of 2020.

5. On the other hand, learned counsel for respondent no. 7 submits that in the name of the medical examination of respondent no. 7, the investigation is being delayed and this is being cited as a reason just to explain the delay on the part of the I.O. and in conclusion of the investigation. It is submitted that from Annexure 'R3/C' which is the supervision note of the Dy.SP., Beraul in this case it would appear that the injury report of respondent no. 7 is very much available with the I.O. and the same has been taken note of in the case diary. It is submitted that the injury report has already been given by the Medical Officer of the Primary Health Centre, Ghanshyampur. It is submitted that from the counter affidavit, it would appear that only vague statements have been made regarding the notices given to respondent no. 7 for his medical examination. No date of notice has been disclosed and no copy of the notice has been enclosed with the counter affidavit. It is submitted that the occurrence had taken place during the Corona Pandemic and after lapse of two years, there is no reason why the investigation has been kept pending in the name of medical examination of respondent no. 7. It is submitted that by efflux of time, the very significance of fresh medical examination by a Medical Board has lost its significance.

6. Having regard to the facts and circumstances of the case, this Court is of the considered opinion that the investigation

of the case must proceed and be completed within a reasonable period preferably within four months from today by the Investigating Officer of the case. If the Investigating Officer of the case is not taking interest in the matter and that has delayed the investigation, the Superintendent of Police, Darbhanga shall change the Investigating Officer of the case and a new Investigating Officer shall be appointed within four weeks from today who will take a fresh call as to whether there would be any significance of calling the informant/respondent no. 7 for fresh medical examination at this stage. The respondent no. 7 is expected to cooperate with the investigation of the case and abide by the opinion of the I.O., if required to present himself before any Medical Board.

7. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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